

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

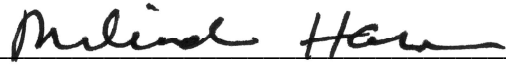
UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. H-97-295-1
	§	
DONNELL BARTHOLOMEW FORD; aka	§	
THE HARLEY DAVIDSON; aka 32; aka		
TONY		

**OPINION AND ORDER**

It has come to the Court's attention that Petitioner Donnell Bartholomew Ford failed to file a timely notice of appeal to the Fifth Circuit of the Court's previous opinion and order denying Ford's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). Rule 4(b)(1)(A) of the Federal Rules of Appellate Procedure requires that a defendant in a criminal case file a notice of appeal within fourteen days of entry of the judgment which he appeals. The Court denied Ford's motion to reduce sentence on December 14, 2011. Doc. 210. The final day on which to file a timely notice of appeal was December 28, 2011. Ford filed a notice of appeal on January 5, 2012. *See id.* at 2. Ford's notice therefore was untimely.

A district court may grant an additional thirty days in which to file a notice of appeal in case of excusable neglect or good cause. Rule 4(b)(4). Ford has not requested an extension nor does any indication of excusable neglect nor good cause exist in the record. The Court therefore finds that Ford is not entitled to an extension of time to appeal and his notice therefore was untimely.

SIGNED at Houston, Texas, this 28th day of August, 2012.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON  
UNITED STATES DISTRICT JUDGE